SPIRIT STUDIOS.

Complaints and Grievance Policy

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1. Introduction

At Spirit Studios, we are committed to providing a high-quality learning experience for all our students. Our aim is to provide a supportive environment with superlative academic, welfare and recreational services, and to be responsive whenever concerns are raised.

We welcome feedback to help develop and enhance the quality of our services and improve the student experience. There are many ways in which you can raise issues, primarily through your course representative, programme leader or the Head of Education. You can also share feedback through Module Feedback Questionnaires (released each semester) and the Staff, Student Liaison Meetings (SSLCs). You are encouraged to familiarise yourself with these feedback mechanisms and make full use of them.

We do recognise however that there may be occasions when you have cause for complaint about the service you have received; when this happens, the Complaints

Policy is intended to provide an accessible, fair and straightforward system which ensures an effective and timely response, whilst supporting the interests and wellbeing of all students and staff involved.

This procedure has been designed in accordance with the Good Practice Framework for Handling Complaints and Academic Appeals published by the Office of the Independent Adjudicator for Higher Education (OIA), and other sector guidance published by the Quality Assurance Agency (QAA), the Office for Students (OfS) and Universities UK (UUK).

The Student Charter, designed alongside the student representatives, sets out expectations for all members of our community and is intended to help our students to succeed and seize every opportunity to flourish. Before submitting a complaint, you are encouraged to consult the Student Charter to be clear about what you can expect and what your responsibilities are.

Spirit Studios aim to handle complaints in a way that:

- encourages informal conciliation and facilitates early resolution
- ensures a full and fair investigation
- addresses all the points at issue and provides an effective response and an appropriate remedy
- provides a prompt resolution within established timescales
- initiates positive actions to continuously improve services and the student experience.

We aim to treat all concerns brought to our attention in a serious and constructive manner, and every effort will be made to ensure a satisfactory resolution. Please be assured that you can use this procedure without fear of recrimination or retribution.

In all circumstances with student complaints and grievances, we have an internal process to address your concerns and try to resolve matters as quickly as possible. However, if you are dissatisfied with the outcome of the internal procedure there are other external bodies who may be able to help.

2. Purpose

2.1. A complaint is defined as an expression of dissatisfaction by one or more students about something Spirit Studios has done or not done, or about the standard of service provided by or on behalf of Spirit Studios, and where your student experience has been affected.

2.2. This Procedure details how students can make a complaint and what steps Spirit Studios will take in response to complaints.

3. Scope

3.1 Separate Procedures

This Procedure should not be used for the following matters, where separate procedures exist:

a. Academic Appeals
b. Safeguarding Issues
c. Complaints about the admissions process - see admissions policy
d. Concerns about the process or outcome of the Student Disciplinary Procedure, Fitness to Practise Procedure or Support to Study Policy and Procedure will normally be dealt with under the relevant appeals procedure
e. Complaints about the behaviour of another student will be dealt with under the Student Disciplinary Procedure, or the Fitness to Practise Procedure
f. A student's performance in any assessment, or other matters that involve academic judgement
g. Matters relating to querying the repayment of fees
h. Matters that ought to be more appropriately considered under another University Policy or Procedure
i. Complaints about the conduct of staff, complaints of this kind will be referred to HR for consideration under the relevant staff procedures
j. Minor or occasional lapses of good manners

3.2 Complaints about Personal Behaviours

3.2.1 If the complaint relates to personal behaviours, including harassment, sexual misconduct or domestic abuse, you should consult the Procedure for Reporting and Responding to Incidents of Harassment, Sexual Misconduct and Domestic Abuse. In these sensitive cases, measures may be put in place to protect the interests of all parties whilst an investigation is carried out. Student Welfare Services can provide expert advice and support to any student who is concerned about these behaviours. Email: studentwelfare@spiritstudios.ac.uk

3.2.2 If the complaint is about the personal behaviour of a member of staff working for or on behalf of the University, it will be progressed in line with the Staff Disciplinary Procedure, in consultation with the Senior Management Team.

3.2.3. If the complaint is about the personal behaviour of another student, it will be progressed under the Student Disciplinary Procedure, or the Fitness to Practise Procedure if the reported student is on a professionally regulated course.

3.3 Where more than one procedure applies

3.3.1 Sometimes the concerns raised within a complaint are complex, for example, there may be several interconnected issues which do not fall neatly within the scope of a single procedure. In these circumstances, the Student Casework Team may refer a complaint for consideration under another University procedure if the submission sits better within the remit of that procedure.

3.3.2 It may be decided to deal with the issues under a single procedure, to use two procedures at the same time, or to pause one procedure until the other has been concluded.

3.3.3 If there is an overlap between a complaint and an academic appeal, we will normally consider the complaint about a service before an appeal decision can be made. We will aim to make this as straightforward as possible and will explain the process and the implications, including any revised timescales.

3.4. Who can complain & the deadlines

3.4. This procedure applies to:

- students currently registered at the University;
- students who are on a University authorised interruption to their studies
- past students, provided that any complaint must be lodged no later than 3 calendar months after the relevant event or circumstance

3.5 Complaints should be raised as early as possible to enable a timely investigation and effective resolution. It is important that students do all they can to meet the deadlines for submitting all the required information, so that complaints can be progressed in a timely manner.

Stage 1 Complaints should normally be raised with the relevant member of staff immediately where possible, and normally not later than 10 working days after the incident giving rise to the complaint.

Stage 2 Complaints should normally be lodged within 15 working days of the Stage 1 response or within 15 working days of the incident giving rise to the complaint.

Stage 3 Complaints should normally be lodged within 15 working days of the Stage 2 response from the University or the final response from the partner institution.

3.6 Spirit Studios will exercise discretion where there is good reason for a complaint to be submitted outside these timescales.

3.7 Spirit Studios aims to deal with all complaints **within 90 days of receipt of a Stage 2 Complaint** by the Student Casework Team, as recommended by the OIA. There may be circumstances when the Spirit Studios will need to extend the timescales set out in this Procedure. When this is the case, you will be informed of any delay and the reasons and will be kept regularly updated about progress.

3.7.1 Matters of concern may be raised individually or collectively and will be dealt with seriously and fairly. You will not incur any disadvantage or recrimination as a consequence of making a complaint. Where necessary, Spirit Studios will put in place temporary measures as a precaution whilst a complaint is investigated.

3.7.2 Where complaints are raised collectively, each member of the group must provide their student ID number, confirmation that they have been personally affected by the issue, and authorisation for Spirit Studios to correspond with a single named spokesperson.

3.7.3 Students studying at a partner institution who are registered for a University award and who wish to raise concerns about the services at the partner institution should aim to resolve these using the partner's complaints procedure. If the issue is not resolved in this way and it is a specific concern about the quality of learning opportunities, you may request a review by the University under Stage 3 of this Procedure. You must do this within 15 working days of the partner's final response and enclose a copy of that response. The University will review the actions taken by the partner with a view to reaching a resolution, although we may not always have the authority to determine matters at partner institutions.

3.7.4 Complaints from third parties on behalf of students will not be considered under this Procedure. Spirit Studios' contract is with you as the student, and therefore we would expect you to deal with your own case, unless for good reason you are unable to do so. In exceptional circumstances where third party representation is needed, written consent will be required from the student for this and to allow for information to be shared to progress the case. We will normally only communicate with one party at a time.

3.7.5 Anonymous complaints will not be dealt with under this Procedure. It is at Spirit Studios' discretion as to how these are handled. Enquiries may be initiated for example, where there is a serious and compelling case which can be corroborated by other evidence.

3.7.6 If a complaint is submitted to a director or another senior staff member, it will be referred to the Student Casework Team who will determine which stage of this Procedure will apply in any particular case.

3.7.7 References in this Procedure to a post holder (e.g. Dean of School) include a nominee acting on behalf of the post holder.

3.7.8 Action under this Procedure will normally cease if pre-action legal steps are received, or if legal proceedings are instigated against Spirit Studios relating to the matters complained about.

4. Advice and Support

4.1 Student services and the Welfare Team can provide signposting to specialist services including counselling, wellbeing, mental health, inclusivity and study support. Student Wellbeing Advisors can support any student who wishes to make a report of inappropriate interpersonal behaviours such as harassment, sexual misconduct or domestic abuse. Email: studentwelfare@spiritstudios.ac.uk

4.2. Where a student has declared inclusivity needs to Spirit Studios or the University, information will be given in accessible formats and reasonable adjustments will be made to the proceedings and facilities to enable the student to participate in the Procedure.

4.3. Any student who submits a complaint is entitled to be accompanied by a person of their choosing at any stage. Any accompanying person will be there in a supporting capacity, and the student will normally be expected to make their own case in their own words. The name and designation of any supporting person must be given to the Student Casework Team 48 hours before any meeting.

4.4. This Procedure is intended to be fair and to comply with the rules of natural justice. It is not a formal court process and there is no need for anyone to have formal legal representation. A student may be accompanied by a person who is legally qualified, providing that person understands and respects the nature of the hearing and does not adopt an overly adversarial or legalistic stance.

5. Mediation

5.1. You may request mediation to help resolve your complaint at any stage. Mediation is a method of conflict resolution that brings the parties together with a neutral third person (the mediator) to facilitate communication with the aim of helping to find a solution. It is a voluntary process that requires the consent of all parties. Students are encouraged to consider mediation.

5.2. If you wish to request mediation, you should contact the Student Casework Team who will liaise with Mediation services to determine whether the matter is suitable and, if so, what the arrangements will be.

6. Confidentiality

6.1. Confidentiality will be preserved during the process as far as possible in the interests of everyone concerned. Any evidence supplied by you or others will normally be provided to those members of staff who need to see it in order for the complaint to be considered, unless the Investigating Officer considers there is an exceptional case to maintain confidentiality. In cases where information is restricted, due to a request for confidentiality, Spirit Studios may not be able to give full consideration to the case. The Investigating Officer will explain the position in these circumstances.

6.2. Investigating Officers of Stage 2 complaints should ensure that they are independent of and have had no previous involvement in the matters under investigation. The Student Casework Team will ensure that Investigating Officers are able to identify when there is a potential conflict of interest during their investigations, and that they know what steps they should take if they identify a potential conflict of interest.

6.3. There may be exceptional circumstances where Spirit Studios is required to share information with third parties, if there is believed to be a risk to you or others.

6.4. Everyone involved is expected to respect the confidential nature of the process, and not to discuss or share details of the case outside the investigation, so as not to undermine the process or make a difficult situation worse, although this does not prevent anyone from seeking advice and support.

6.5. Any member of staff about whom a complaint is made will have the right to be informed of the fact and nature of the complaint by their line manager, and to be accompanied at any meetings by a colleague or Trade Union representative.

6.6. You will be informed of the outcome of your complaint including whether it has been upheld based on the evidence, the reasons for the decision and any remedies or actions that directly affect you. This will include any measures to support you from an academic or wellbeing perspective.

7. Procedure

7.1 **Stage 1 – Early Resolution Procedure**

7.1.1 Students who have attempted unsuccessfully to resolve their concerns informally directly with the person(s) concerned outside of this Procedure, or for whom it is impractical, should engage with early resolution as soon as possible by making an informal concern in writing to the relevant service or school. Students are encouraged to state the basis of the concern in a clear, succinct and chronological order. The relevant Head of School or Service (or their nominees) will then allocate the matter to an appropriate member of staff for consideration of the complaint.

7.1.2 Spirit Studios aims to resolve issues as quickly and fully as possible. Students will normally receive a response in writing to their concern in no later than 15 working days of the student contacting the member of staff.

7.1.3 If the early resolution stage has not been completed in the above deadline, the student should contact the Student Casework Team, who can escalate the matter to the relevant member of senior management.

7.1.4 Should the student be dissatisfied with the response to their concern, they can request the matter be progressed to stage 2.

7.2 **Stage 2 – Formal Stage Procedure**

7.2.1 Stage 2 of this Procedure may be initiated where:

7.2.1.1 you are not satisfied with the response after attempting early resolution

7.2.1.2 you have a good reason for declining to engage with the early resolution stage

7.2.1.3 The Student Casework Team considers that early resolution is not suitable given the seriousness or circumstances of the case.

7.2.1.4 The Stage 2 Complaint Form should be completed and submitted to the Student Casework Team within 15 working days of the Stage 1 response or the incident giving rise to the complaint.

7.2.2 The Stage 2 Complaint Form requires details of:

7.2.2.1 the nature of your complaint

7.2.2.2 the steps taken to attempt early resolution and the reasons why you remain dissatisfied (or the reasons why informal steps have not been taken)

7.2.2.3 the reasonable steps that you would wish to see taken to resolve the matter.

7.2.2.4 Supporting evidence (where available)

7.2.3 Decisions will be based on the evidence supplied, and gathered through any subsequent investigation where appropriate and therefore it is important that you submit evidence to support your complaint, for example copies of letters, emails, screenshots, extracts from course materials or witness statements.

7.2.4 Upon receipt the Student Casework Team will acknowledge the complaint within 5 working days.

7.2.5 The Student Casework Team will determine whether the complaint has been submitted under the correct procedure, within the published timeframe and in the correct format and is,therefore, suitable to be considered under the formal stage. This might result in a complaint being referred to a different procedure or declined because it has been submitted outside the timescales in this Procedure. If early resolution has not been attempted, and the Student Casework Team considers that this should have happened, the complaint will be referred for consideration at Stage 1.

Investigation

7.2.6 If the complaint is eligible to proceed to the formal investigation stage, the Student Casework Team will notify the relevant senior manager and will appoint an investigator, with no conflict of interest. In complex or sensitive cases, a member of staff from a different School or Service may be appointed, or an investigator external to the University and/or Spirit Studios.

7.2.7 The Investigating Officer will determine the scope and conduct of the investigation. This will normally involve meeting with the student and any other people involved. One-to-one meetings will normally be held with all the people involved and may be conducted remotely. Any evidence supplied will normally be provided to any other person named in the complaint, unless the Investigating Officer considers there is an exceptional case to maintain confidentiality.

7.2.8 A student may be accompanied by a friend, family member or a Students' Union Advisor for support at any meetings.

7.2.9 The Student Casework Team will attend to provide advice on the process and take notes which will be the formal record of the meeting. A copy of the notes will be sent to the student within 5 working days with an opportunity to make any comments, which will be incorporated or held alongside the notes. The notes may be disclosed to any other people named in the complaint. Recording of

meetings is not normally permitted unless required as an adjustment under the Equality Act 2010.

7.2.10 On completion of the investigation, the Investigating Officer will issue a formal written response setting out the outcome of your complaint. Where the complaint is found to be justified in full or in part,the outcome will include details of what action will be taken including any remedy, any steps to ensure there is no recurrence, and associated timescales

7.2.11 Where any part of the complaint is not found to be justified, the outcome will give clear reasons for the decision based on the evidence that was considered and details of how you can request a review under Stage 3 of this Procedure.

7.2.12 It is Spirit Studios' aim that complaints raised at Stage 2 will be resolved within 35 working days from the receipt of the complaint by the Student Casework Team. There may be circumstances when we need to extend this timescale. When this is the case, we will inform you of the reasons for any extension and will update you regularly on progress.

7.2.13 All formal complaints and responses will be overseen and monitored by the Student Casework Team to ensure compliance with this Procedure.

7.3 **Stage 3 – Review Stage**

7.3.1 Stage 3 of this Procedure may be initiated to request a review of the following:

7.3.1.1 the outcome of a Stage 2 complaint

7.3.1.2 the outcome of a complaint about the quality of learning opportunities at a partner institution

7.3.2 The purpose of conducting a stage 3 is to review the actions and decisions taken at the previous stage. A stage 3 will not normally involve a fresh or full investigation of the matters complained about or for new matters to be raised.

7.3.3 A request for a review may be made on one (or more) of the following grounds:

a. that relevant new evidence or circumstances have become known, which could make a difference to the outcome and could not reasonably have been provided earlier in the process

b. That there was an irregularity or unfairness in the conduct of the procedure, and this materially affected the outcome

c. that the decision and outcome were manifestly unreasonable in the light of the evidence provided.

7.3.4 A Stage 3 Complaint Form should be completed and submitted to the Student Casework Team at: StudentComplaints@lancashire.ac.uk , within 15 working days of the date of the Stage 2 response (or other relevant University decision) or the response from the partner institution.

7.3.5 Stage 3 may only be invoked where Stage 2 has been completed (or when separate procedures including those at a partner institution have been completed).You are encouraged to seek advice from the Students' Union Advice and Representation Centre before invoking Stage 3.

7.3.6 The Stage 3 Complaint Form requires details of:

7.3.6.1 the nature of the complaint

7.3.6.2 the steps already taken to resolve it and a statement as to why you remain dissatisfied

7.3.6.3 the reasonable steps that you would wish to see taken to resolve the matter. Relevant evidence should be appended e.g. copies of letters, e-mails, screenshots and any other supporting documentation.

7.3.7 Upon receipt of a review request the Student Casework Team will review the matter to confirm that the review falls within one of the grounds stated above and has been submitted within the relevant deadline. If the request does not meet the grounds stated above and/or has not been submitted within the relevant deadline the student will be issued a completion of procedure letter, which will confirm the basis of the decision.

7.3.8 If the review is deemed as being valid it will be allocated to a reviewer, who is a senior member of staff who has no conflict of interest. The reviewer may:

7.3.8.1 Uphold the original stage 2 complaint outcome

7.3.8.2 Propose an amendment to the resolution of the stage 2 investigation

7.3.8.3 Consider a full investigation, if it deemed that a serious procedural error(s) have occurred during the stage 2 investigation

7.3.8.4 Refer the matter to a Complaint Review Panel, this is normally for matters that are complex and would benefit from the student having an opportunity to present the basis of their review request. This would be at the discretion of the Complaint Review Panel.

7.3.9 A Complaint Review Panel (the Panel) will be 3 members as follows:

7.3.9.1 the Head of Education's nominee who will normally be a senior member of staff or director who will act as Chair

7.3.9.2 a member of staff with appropriate seniority and expertise who is not associated with the School/Service concerned

7.3.9.3 a student who will normally be a representative. The Panel may co-opt additional members or seek specialist advice as required, including from external representatives. Members of the Panel will have had no previous involvement in the complaint.

7.3.10 The Panel will decide on the appropriate action of either:

a. dismissing the request for a review in which case you will be given reasons for the decision

b. upholding the request for a review and determining the outcome of the complaint

c. referring all or part of the complaint back to be re-considered at the previous stage by a new Investigating Officer.

7.3.11 The outcome of the Stage 3 complaint will be communicated to you in writing, normally within 5 working days of the decision of the reviewer and/or the date of the Stage 3 Panel meeting.

8. Independent External Review

8.1 When this Procedure has been completed, we will send you a Completion of Procedures letter. This will state that, if you are not satisfied with the University's final decision and outcome, you are entitled to request a review by the Office of the Independent Adjudicator for Higher Education (OIA). You must submit a Scheme Application Form to the OIA within 12 months of the date of the Completion of Procedures Letter. You can find out about the OIA scheme and check whether your complaint is eligible under the OIA rules by visiting the OIA website.

8.2 The OIA will review your complaint and contact you directly to let you know what will happen next. You can seek independent advice and support from the Students' Union Advice and Representation Centre.

8.3 After this Procedure has been completed, students who are registered on degree apprenticeship programmes also can raise their complaint with the Department for Education (DfE), if they are not satisfied with the University's final decision

and outcome. You must contact the DfE within 12 months after the issue happened. You can find out about the DfE Complaints Procedure and how to submit a complaint by contacting the DfE Apprenticeship Service Support on 08000 150 600 or at: helpdesk@manage-apprenticeships.service.gov.uk or by visiting the Government DfE Website for their complaints procedure. The DfE will review your complaint and contact you directly to let you know what will happen next

9. Vexatious, Malicious or Frivolous Complaints

9.1 The University is committed to considering all matters of proper concern raised by students. We may, however, decline to deal with complaints which are vexatious, malicious or frivolous.

9.2 A complaint may be considered to be vexatious where it:

9.2.1 clearly does not have any serious purpose or value;

9.2.2 is designed to cause disruption or annoyance, or gives rise to disproportionate inconvenience or expense;

9.2.3 has the effect of harassing the University or its staff;

9.2.4 can otherwise fairly be characterised as obsessive or unreasonable.

9.3 A complaint may be considered to be malicious where:

9.3.1 there is evidence of intention to do harm or mischief

9.3.2 it is reasonable to assume there was an intention to do harm or mischief

9.3.3 it is clear that no redress is sought.

9.4 A complaint may be considered to be frivolous where:

9.4.1 it is not serious or sensitive in content, attitude or behaviour

9.4.2 there is no clear desire for a sensible or reasonable form of redress.

9.5 Where there is reason to believe that a complaint is vexatious, malicious or frivolous, the Executive Director of Academic Registry may decide to reject the complaint without full consideration of its merits. Reasons will be given as to why the complaint is considered to be an abuse of process. The complainant may request a review of this decision in line with Stage 3 of this Procedure.

10. Review, monitoring, approval and publication

10.1 The University will monitor the receipt of complaints and outcomes, and an annual report will be made to the Academic Board. This will include an analysis of equality issues and protected characteristics to ensure the Procedure is accessible and that outcomes are effective for all students.

10.2 The report will identify themes, trends and lessons and recommended actions to enable the University to continuously improve its services for students and ensure an inclusive, consistent and constructive approach to complaints. The effectiveness of this Procedure will be kept under review and where appropriate, changes will be made.

10.3 All policies and procedures are available via Google Classroom and the Spirit Studios website